

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARCIA SPAHR,

Plaintiff,

v.

5:07-CV-0881
(NAM/GHL)

COMMISSIONER OF SOCIAL SECURITY, et al.,

Defendants.

APPEARANCES:

Marcia Spahr
Plaintiff *pro se*
431 E. Prospect Terrace
Freeport, Illinois 61032-5662

GEORGE H. LOWE, United States Magistrate Judge

REPORT AND RECOMMENDATION

On August 24, 2007, Plaintiff filed her Complaint (Dkt. No. 1), moved for leave to proceed *in forma pauperis* (Dkt. No. 2), and requested the appointment of counsel (Dkt. No. 4).

Plaintiff's Complaint consisted of a four-page form, a handwritten note, and copies of two prescriptions. The form stated that Plaintiff brought this action under the Americans with Disabilities Act. The spaces for the defendant's name, official position, and address were blank. In the caption of the form, Plaintiff listed as defendants the Commissioner of Social Security, the FBI, "England and other countries", and two individuals who were identified only by their last names. The blanks for plaintiffs' names listed Nicor and the FBI. The form alleged that Plaintiff's legs were cut off, her head was cremated, and that she was "hit w/ blood pullers for many years by Bill Sessions." (Dkt. No. 1 at E(1)(d)(2).) It further alleged that Plaintiff

provided valuable information for which she was not paid and that Kristin Smith Mulroney “wrecked” Plaintiff’s epilepsy records. The letter stated that Plaintiff’s neighbors have ‘set her up on gas’ and that the neighbors’ children “put trash in my yard (Italians or Iranians)”. Plaintiff asked the Court to ‘straighten her gas bills out’.

On September 25, 2007, I issued an order directing that if Plaintiff did not amend her complaint within thirty (30) days of the date of the order, (1) Plaintiff’s Complaint (Dkt. No. 1) would be *sua sponte* **STRICKEN** from the docket for failure to state a claim under Rule 12(b)(6), and for failure to comply with Rules 8 and 10 of the Federal Rules of Civil Procedure; (2) Plaintiff’s motion for leave to proceed *in forma pauperis* (Dkt. No. 2) would be **DENIED AS MOOT**; and (3) Plaintiff’s motion to appoint counsel (Dkt. No. 4) would be **DENIED AS MOOT**.

More than 30 days have passed since the Order was issued. Plaintiff has not amended her complaint. Accordingly, it is hereby


RECOMMENDED, that (1) this case be **DISMISSED** for failure to comply with the Court’s September 25, 2007, Order; (2) Plaintiff’s motion for leave to proceed *in forma pauperis* (Dkt. No. 2) be **DENIED AS MOOT**; and (3) Plaintiff’s motion to appoint counsel (Dkt. No. 4) be **DENIED AS MOOT**.

Pursuant to 28 U.S.C. § 636(b)(1), the parties have ten days within which to file written objections to the foregoing report. Such objections shall be filed with the Clerk of the Court.

FAILURE TO OBJECT TO THIS REPORT WITHIN TEN DAYS WILL PRECLUDE APPELLATE REVIEW. *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993) (citing *Small v. Secretary of Health and Human Services*, 892 F.2d 15 (2d Cir. 1989)); 28 U.S.C. § 636(b)(1);

FED. R. CIV. P. 72, 6(a), 6(e).

Dated: November 26, 2007
Syracuse, New York



George H. Lowe
United States Magistrate Judge